

Harkins, Dan

From: Harkins, Dan
Sent: Friday, April 05, 2013 11:33 AM
To: 'Christopher Honea'
Cc: Sisson, Thomas; 'randall garteiser'
Subject: RE: Activity in Case 6:13-cv-00038-MHS Blue Spike, LLC v. Animetrics, Inc. Motion to Dismiss

Chris,

I have reviewed your Motion for Jurisdictional Discovery and Extension, along with the proposed Interrogatories, Request for Production and Deposition Notice. Animetrics is not opposed to your Motion for Extension of Time. Animetrics is also not opposed to the proposed Interrogatories. From a review of the case law, it appears that the Court in the Eastern District of Texas does allow for limited discovery on jurisdictional issues, but limits that discovery to interrogatories. Accordingly, Animetrics is not opposed to your first set of interrogatories. However, Animetrics is opposed to producing documents or videotaped deposition, in as much as that seems to be beyond the scope of what the Court has provided previously in such instances, and because of the increased costs. Thus, Animetrics does not oppose a Motion for an Extension of Time and a Motion for Leave to Serve Interrogatories on Animetrics. Please let me know if you have any questions.

Dan

J. Daniel Harkins

dharkins@coxsmith.com
210 554 5285 direct

COX SMITH

112 E. Pecan Street | Suite 1800
San Antonio, Texas 78205
210 554 5500 tel
210 226 8395 fax
210 260 2680 mobile

coxsmith.com

[Vcard](#) | [Bio](#)

The information in this email may be confidential and/or privileged. This email may be reviewed only by the intended recipient named above. Any review, use or disclosure of the information contained in this email, or any attachments by anyone other than the intended recipient, is prohibited. If you have received this email in error, please immediately notify the sender and permanently delete this email from your system.

Pursuant to Department of Treasury Circular 230, this email and any attachment hereto, is not intended or written to be used, and may not be used by the recipient, for the purpose of avoiding any federal tax penalty which may be asserted.

From: Christopher Honea [mailto:chris.honea@sfttrialattorneys.com]
Sent: Wednesday, April 03, 2013 1:50 PM
To: Harkins, Dan
Cc: Sisson, Thomas; randall garteiser
Subject: Re: Activity in Case 6:13-cv-00038-MHS Blue Spike, LLC v. Animetrics, Inc. Motion to Dismiss

Dan

Attached is a draft unopposed motion to serve jurisdictional discovery and for further extension. I've also attached the discovery we will want to serve. I don't think we need to agree what discovery is appropriate, just that some discovery is. Your client can object to certain requests of course. Please let me know the unopposed motion is okay and we'll get it filed. Thanks

Christopher A. Honea
Garteiser Honea - Trial Attorneys
chris.honea@sfttrialattorneys.com
44 N. San Pedro Road
San Rafael, California 94903
(415) 785-3762
(415) 785-3805 (fax)
www.sfttrialattorneys.com

On Mar 27, 2013, at 2:09 PM, Harkins, Dan wrote:

Here is the order.

J. Daniel Harkins

dharkins@coxsmith.com
210 554 5285 direct

COX SMITH

112 E. Pecan Street | Suite 1800
San Antonio, Texas 78205
210 554 5500 tel
210 226 8395 fax
210 260 2680 mobile

coxsmith.com

[Vcard](#) | [Bio](#)

The information in this email may be confidential and/or privileged. This email may be reviewed only by the intended recipient named above. Any review, use or disclosure of the information contained in this email, or any attachments by anyone other than the intended recipient, is prohibited. If you have received this email in error, please immediately notify the sender and permanently delete this email from your system.

Pursuant to Department of Treasury Circular 230, this email and any attachment hereto, is not intended or written to be used, and may not be used by the recipient, for the purpose of avoiding any federal tax penalty which may be asserted.

From: Christopher Honea [<mailto:chris.honea@sfttrialattorneys.com>]
Sent: Wednesday, March 27, 2013 3:59 PM
To: Harkins, Dan
Cc: Sisson, Thomas; randall garteiser
Subject: Re: Activity in Case 6:13-cv-00038-MHS Blue Spike, LLC v. Animetrics, Inc. Motion to Dismiss

Dan, it looks like you refiled your motion to dismiss in the TI case. Do you agree that Blue Spike does not need to respond to the MTD filed in the original action? If so, would you file a motion to withdraw the MTD in the

original action so that the docket is clear on that issue? Please give me a ring to discuss if you would like on my cell today 918-510-5375. Thanks

Christopher A. Honea
Garteiser Honea - Trial Attorneys
chris.honea@sftrialattorneys.com
44 N. San Pedro Road
San Rafael, California 94903
(415) 785-3762
(415) 785-3805 (fax)
www.sftrialattorneys.com

On Mar 26, 2013, at 5:08 PM, Christopher Honea wrote:

Yes I will send drafts this week. Do you agree the two week extension?

On Mar 26, 2013, at 8:13 AM, "Harkins, Dan" <DHARKINS@coxsmith.com> wrote:

Chris,
Also, can you give me an idea of what discovery you want?
Dan

J. Daniel Harkins

dharkins@coxsmith.com
210 554 5285 direct

COX SMITH
112 E. Pecan Street | Suite 1800
San Antonio, Texas 78205
210 554 5500 tel
210 226 8395 fax
210 260 2680 mobile

coxsmith.com [Vcard](#) | [Bio](#)

The information in this email may be confidential and/or privileged. This email may be reviewed only by the intended recipient named above. Any review, use or disclosure of the information contained in this email, or any attachments by anyone other than the intended recipient, is prohibited. If you have received this email in error, please immediately notify the sender and permanently delete this email from your system.

Pursuant to Department of Treasury Circular 230, this email and any attachment hereto, is not intended or written to be used, and may not be used by the recipient, for the purpose of avoiding any federal tax penalty which may be asserted.

From: Harkins, Dan
Sent: Monday, March 25, 2013 1:33 PM
To: 'Christopher Honea'

Cc: Sisson, Thomas

Subject: RE: Activity in Case 6:13-cv-00038-MHS Blue Spike, LLC v. Animetrics, Inc. Motion to Dismiss

Chris,

I spoke to the client and they are trying to keep costs down as much as possible and are not inclined to spend money on discovery. I am not opposed to a short extension if you need that. I am in meetings all day today but I will be back tomorrow.

Dan

The information in this email may be confidential and/or privileged. This email is intended to be reviewed only by the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, and any use or disclosure of the information contained herein, is prohibited. If you have received this email in error, please immediately notify the sender by email or telephone and permanently delete this email from your system. Pursuant to Department of Treasury Circular 230, this email and any attachment hereto, is not intended or written to be used, and may not be used by the recipient, for the purpose of avoiding any federal tax penalty which may be asserted.

-----Original Message-----

From: Christopher Honea [chris.honea@sfttrialattorneys.com]

Sent: Monday, March 25, 2013 12:05 PM Central Standard Time

To: Christopher Honea

Cc: Harkins, Dan; randall garteiser; Christopher Honea

Subject: Re: Activity in Case 6:13-cv-00038-MHS Blue Spike, LLC v. Animetrics, Inc. Motion to Dismiss

Dan,

Any word? We have our deadline coming up, so we'd at least like to agree to an extension, and then we can meet and confer on the discovery. Can we agree to a 4 week extension?

On Mar 20, 2013, at 4:48 PM, Christopher Honea <chonea@ghiplaw.com> wrote:

We want to serve discovery that looks into your client's general and specific contacts with Texas. Here's the Order again.

<022 Order granting jurisdictional discovery on TvTak.pdf>

Christopher A. Honea
Garteiser Honea - Trial Attorneys
chonea@ghiplaw.com
44 N. San Pedro Road
San Rafael, California 94903
(415) 785-3762
(415) 785-3805 (fax)
www.ghiplaw.com

On Mar 19, 2013, at 3:36 PM, Harkins, Dan wrote:

Chris,

Sorry but I have been out of town and have not had a chance to visit with my client about this. What information do you want? We put a fair amount of detail in the Declaration. As you can understand, since our client is not very big and it is not doing so well financially, we are trying to keep costs down. Also, can you send me the Order that you referred to?

Dan

J. Daniel Harkins

dharkins@coxsmith.com
210 554 5285 direct

COX SMITH

112 E. Pecan Street | Suite 1800
San Antonio, Texas 78205
210 554 5500 tel
210 226 8395 fax
210 260 2680 mobile

coxsmith.com

[Vcard](#) | [Bio](#)

The information in this email may be confidential and/or privileged. This email may be reviewed only by the intended recipient named above. Any review, use or disclosure of the information contained in this email, or any attachments by anyone other than the intended recipient, is prohibited. If you have received this email in error, please immediately notify the sender and permanently delete this email from your system.

Pursuant to Department of Treasury Circular 230, this email and any attachment hereto, is not intended or written to be used, and may not be used by the recipient, for the purpose of avoiding any federal tax penalty which may be asserted.

From: Christopher Honea [<mailto:chonea@ghiplaw.com>]
Sent: Tuesday, March 19, 2013 5:23 PM
To: Harkins, Dan
Cc: Randall Garteiser; Christopher Honea
Subject: Re: Activity in Case 6:13-cv-00038-MHS Blue Spike, LLC v. Animetrics, Inc.
Motion to Dismiss

Dan,

Please reply to my inquiry below. We are attempting to meet and confer on this discovery dispute. Regards,

Christopher A. Honea
Garteiser Honea - Trial Attorneys

chonea@ghiplaw.com
44 N. San Pedro Road
San Rafael, California 94903
(415) 785-3762
(415) 785-3805 (fax)
www.ghiplaw.com

On Mar 11, 2013, at 2:57 PM, Christopher Honea wrote:

<Order on Consolidation.pdf>